

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HENRY LEE, on behalf of himself and
all others similarly situated,

CASE NO. 1:16-cv-01104 (LTS)

Plaintiff,

v.

BUTH-NA-BODHAIGE, INC.,
a Delaware corporation,
d/b/a THE BODY SHOP, and
DOES 1-10,

Defendants.

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**NOTICE OF MOTION TO INTERVENE, AND TO DISMISS OR STAY,
OR IN THE ALTERNATIVE TRANSFER THIS CASE,
PURSUANT TO THE FIRST-TO-FILE RULE**

PLEASE TAKE NOTICE that upon the accompanying Motion and Memorandum of Law, proposed intervenor Shane Flaum moves this Court for an order allowing permissive intervention in the above-captioned action pursuant to Fed. R. Civ. P. 24(b). Mr. Flaum further moves to dismiss or stay this action, or in the alternative transfer this case, pursuant to the first filed doctrine.

Dated: New York, New York
September 20, 2016

Respectfully submitted,

s/ James S. Giardina
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* Motion for Admission *Pro Hac Vice* forthcoming.

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Attorneys for Intervenor, Shane Flaum

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES that on September 20, 2016, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system and served on all of those parties receiving notification through the CM/ECF system.

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